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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,940	01/22/2004	Ching-Hua Lai	CFP-2349 (15722/624)	5963
23595	7590	02/17/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402				SHAKERI, HADI
ART UNIT		PAPER NUMBER		
				3723

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/762,940	LAI, CHING-HUA
	<b>Examiner</b>	<b>Art Unit</b>
	Hadi Shakeri	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: page 2, line 24, "the number of times the number of times" should be corrected. Page 5, line 20, "wedge 27' should be changed to, --wedge 24-- .

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 8 recites the limitation "the inclined face" in line 1. There is insufficient antecedent basis for this limitation in the claim. Further regarding claim 8, "the inclined face" second occurrence also lacks antecedent basis.
5. Claim 8 recites the limitation "the inclined face" in line 1. There is insufficient antecedent basis for this limitation in the claim. Further regarding claim 9, "the inclined face" second occurrence also lacks antecedent basis.
6. Claim 12 recites the limitation "the inclined face" in lines 2 (twice), 3 and 4, all of which lack sufficient antecedent basis. Further regarding claim 12, it is noted that the rollers as indicated in Fig. 4 are in rolling contact with each other and not with the respective inclined faces.

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

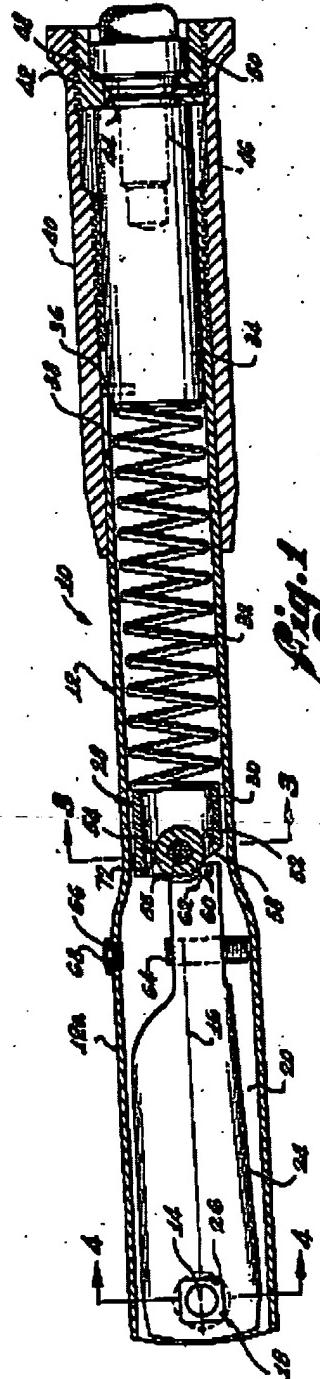
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Hoose (3,140,623) in view of either Gaenssle (4,969,105) or Hangs et al. (DE 342 12 12).

Van Hoose meets all of the limitations of claim 1, i.e., a wrench with a pipe, a lever having a portion put in and pivotally connected to the pipe and having a first wedge, a second wedge connected to and biased against the first wedge by an elastic element, except for a sensor signaling a counter when the wedges pass each other.

Both Gaenssle and Hangs et al. teach applications in which the frequency or the number of workpieces being tightened (i.e., wherein a predetermined torque has been reached) is monitored by a counter triggered by a sensor (inherent).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Van Hoose with a counter triggered by a sensor as taught by either Gaenssle or Hangs et al to adapt the tool for applications wherein it is



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desirable to keep a running count of frequencies of the workpieces properly tightened.

Regarding claims 3-15 (as best understood), Van Hoose as modified by either Gaenssle or Hangs et al meets the limitations.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art (Van Hoose as modified by either Gaenssle or Hangs et al) as applied to claim 1 above, and further in view of Hsu (5,537,877).

Prior art meets all of the limitations of claim 2, except for a disclosing the means of attachment, i.e., the sensor extending into the pipe through a slot.

Triggering a detection device in a torque wrench by a sensor extended through a slot connected to the appropriate elements, is known in the art as evident by Hsu which teaches torque pipe wrenches in which a sensor (832) attached to a detecting unit designed to facilitate setting and reading the torsion force limit is extended into the pipe through a slot.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art (Van Hoose in view of either Gaenssle or Hangs et al) with a known triggering mechanism as evident by Hsu as simple, economical and reliable means of triggering the detection unite, i.e., the counter.

It is noted that a "counter" is considered as defined by the dictionary and as an alarming or notifying devices, e.g., buzzer, light...

### count·er<sup>3</sup>

count·er (koun'ter) noun

One that counts, especially an electronic or mechanical device that automatically counts occurrences or repetitions of phenomena or events.<sup>1</sup>

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<sup>1</sup>The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

***Conclusion***

10. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Gambarini, Kemp et al., and Bergquist are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
February 15, 2005